

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
Creation of a)	MM Docket No. 99-25
Low Power Radio Service)	RM-9208
)	RM-9242

To: The Commission

**COMMENTS OF
NATIONAL PUBLIC RADIO, INC.**

Pursuant to Section 1.415 of the Commission's Rules, 47 C.F.R. § 1.415, National Public Radio, Inc. ("NPR") hereby submits its Comments on the Commission's Notice of Proposed Rulemaking in the above-captioned proceeding proposing the establishment of a low power radio broadcast service.¹

Introduction and Summary

NPR is a non-profit membership corporation that produces and distributes noncommercial educational programming through more than 600 public radio stations nationwide. In addition to broadcasting award winning NPR programming, including *All Things Considered*[®], *Morning Edition*[®], *Talk Of The Nation*[®], and *Performance Today*[®], NPR's Member stations originate significant amounts of news, informational, and cultural programming. NPR also operates the Public Radio Satellite Interconnection System and provides representation and other services to its Member stations.

¹ Notice of Proposed Rulemaking, MM Docket 99-25, RM-9208, RM-9242, 14 FCC Rcd 2471, rel. Feb. 3, 1999 [hereinafter "NPRM"].

At the outset, NPR is compelled to correct the Commission's mischaracterization of NPR's position on the petitions that spawned this proceeding as “oppos[ing] the petitions.”² The low power initiative raises a number of difficult and complex policy and technical issues, and the public interest requires a critical examination of those issues. Shining a light on those issues and asking hard questions is not tantamount to opposing low power broadcasting or the idea of increasing the number and diversity of broadcast voices. Indeed, if the Commission’s proposal is to further the public interest, it will only be after the questions associated with achieving the Commission’s lofty objective are asked and answered.

Given the history and mission of public radio, there should be no question about NPR's support for programmatic and ownership diversity. Established in the early part of this century through the pioneering efforts of educational institutions, public radio has since evolved as a national system of local stations, offering unique and compelling news, information, and cultural programming of local, regional, and national interest and scope. This evolution has occurred in large measure through a sustained and substantial Federal investment in the construction and operation of the public radio infrastructure and supportive Commission rules and policies over the past four decades. While we applaud the Commission's pursuit of greater diversity, we urge the Commission not to upset existing service in its wake.

The NPRM represents an important step in fashioning a low power broadcast service. Much remains to be done, however, to assure that diversity and opportunities for media ownership are enhanced without sacrificing the diversity of ownership and voices that already exist. First and foremost, establishment of a new low power FM service requires a comprehensive

² Id. at ¶ 9. In addition, the reasoning the NPRM ascribes to NPR does not reflect the position of NPR or the comments it expressed.

understanding of the potential for interference to the reception of full-service stations. Because the Commission had not conducted any such tests prior to issuing the NPRM, NPR joined with the Consumer Electronics Manufacturers Association (“CEMA”) and the Corporation for Public Broadcasting (“CPB”) to commission a detailed laboratory testing of the issue. The final test report is attached to these Comments.

The testing demonstrates that the Commission’s blanket proposal to eliminate second- and third adjacency protections in licensing LPFM stations is untenable. Indeed, minimum standards of sound quality justify even greater protection for full-service stations operating on co- and first-adjacent channels and retention of at least the existing second- and third-adjacent channel protections. In addition, the Commission should at least maintain its existing standards regarding intermodulation (“IM”) interference.

Based on this testing, the manner in which frequencies in the reserved portion of the FM band have been allocated, and other adjacent channel interference issues, the reserved portion of the FM band poses unique obstacles to the introduction of new LPFM stations. Additional testing is warranted both to examine the test findings under real world conditions and to assess the potential impact of LPFM stations on the various In-band, On-channel (“IBOC”) digital audio broadcast systems.

Finally, the Commission must reconsider its proposal to establish LPFM stations on a primary basis. Aside from the preclusive effect such stations would have on the establishment of new, full-service stations, they are likely to disrupt public radio service to a substantial segment of the public that relies on auxiliary translator and booster stations as, in many cases, the sole source of public radio programming and, in some cases, the sole source of radio service. While the NPRM considers protecting existing auxiliary facilities from primary LPFM stations, it is not

enough to “grandfather” existing auxiliary facilities because grandfathering will not address the displacement of such facilities by full service stations and the difficulty of reestablishing auxiliary service in competition with other full service stations and primary LPFM stations. Thus, any LPFM stations that the Commission authorizes must protect existing and new auxiliary facilities to avoid serious harm to public radio and the important public service it provides.